

Supreme Court of the  
United States

October Term, 2004

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HEARING LIST

For the Session Beginning  
January 10, 2005

**THE JUSTICES AND THE JUDICIAL CIRCUITS  
TO WHICH THEY ARE ASSIGNED**

HON. WILLIAM H. REHNQUIST, Chief Justice, Fourth,  
District of Columbia and Federal Circuits.

HON. JOHN PAUL STEVENS, Associate Justice, Sixth  
and Seventh Circuits.

HON. SANDRA DAY O'CONNOR, Associate Justice, Ninth  
Circuit.

HON. ANTONIN SCALIA, Associate Justice, Fifth Circuit.

HON. ANTHONY M. KENNEDY, Associate Justice, Elev-  
enth Circuit.

HON. DAVID H. SOUTER, Associate Justice, First and  
Third Circuits.

HON. CLARENCE THOMAS, Associate Justice, Eighth  
Circuit.

HON. RUTH BADER GINSBURG, Associate Justice, Sec-  
ond Circuit.

HON. STEPHEN BREYER, Associate Justice, Tenth  
Circuit.

**OFFICERS OF THE COURT**

WILLIAM K. SUTER, Clerk.

FRANK D. WAGNER, Reporter of Decisions.

PAMELA TALKIN, Marshal.

JUDITH A. GASKELL, Librarian.

## NOTICE TO COUNSEL

1. The Clerk timely informs counsel as to the day counsel must be present for oral argument. The Court convenes at 10 a.m. and each case is usually heard on the date assigned.

2. Counsel scheduled to argue must report to the Lawyers' Lounge between 9:00 and 9:15 a.m. on the day assigned for argument. The Clerk will brief you at that time and provide assistance. Identification cards will be issued to the attorneys authorized to occupy seats at argument tables. Counsel arguing cases *should not* introduce themselves nor introduce co-counsel to the Court at the time of argument. Members of the Court should be addressed by their proper titles—"Chief Justice" or "Justice," as the case may be—and not as "judge."

3. Counsel are expected to take note of time limitations and inquiry should not be made of the Court as to the amount of time remaining. A white light will appear when five minutes remain and a red light when the time has expired. When the Court permits a division of time for argument, the use of more than the agreed time by one attorney does not extend the total time allotted. Counsel should conclude argument promptly when the red light appears unless responding to a question from the Court.

4. During argument counsel should at all times speak into the microphone so that the Justices may hear them and that a clear tape recording can be made. Counsel should also avoid having notes or books touch the microphone since this seriously interferes with the recording process.

5. Counsel in cases to be argued in the afternoon should assemble at the Clerk's desk in the Courtroom when the noon recess begins. An escort will arrange expedited service in the public cafeteria located in the Court building.

6. Appropriate attire for counsel is conservative business dress. If formal attire is worn, it should conform with custom.

WILLIAM K. SUTER, *Clerk.*

## HEARING LIST

### Monday, January 10, 2005

No. 128, Orig. *Alaska v. United States*.

On exceptions to the report of the Special Master.

For plaintiff: Jonathan S. Franklin, Washington, D. C.

For respondent: Jeffrey P. Minear, Assistant to the Solicitor General, Department of Justice, Washington, D. C.

(1 hour for argument.)

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No. 03–388. *Dennis Bates, et al. v. Dow Agrosciences LLC*.

Certiorari to the C. A. 5th Circuit.

For petitioners: David C. Frederick, Washington, D. C.

For respondent: Seth P. Waxman, Washington, D. C.; and Lisa S. Blatt, Assistant to the Solicitor General, Department of Justice, Washington, D. C. (for United States, as *amicus curiae*.)

(One hour for argument.)

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### Tuesday, January 11, 2005

No. 03–855. *City of Sherrill, New York v. Oneida Indian Nation of New York, et al.*

Certiorari to the C. A. 2nd Circuit.

For petitioner: Ira S. Sacks, New York, N. Y.; and Caitlin J. Halligan, Solicitor General, New York, N. Y. (for N. Y., as *amicus curiae*.)

For respondents: Michael R. Smith, Washington, D. C.; and Malcolm L. Stewart, Assistant to the Solicitor General, Department of Justice, Washington, D. C. (for United States, as *amicus curiae*.)

(One hour for argument.)

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No. 03–1395. *George J. Tenet, Individually, Porter J. Goss, Director of Central Intelligence and Director of the Central Intelligence Agency, and United States v. John Doe, et ux.*

Certiorari to the C. A. 9th Circuit.

For petitioners: Paul D. Clement, Acting Solicitor General, Department of Justice, Washington, D. C.

For respondents: David J. Burman, Seattle, Wash.

(One hour for argument.)

**Wednesday, January 12, 2005**

No. 03–932. *Dura Pharmaceuticals, Inc., et al. v. Michael Broudo, et al.*

Certiorari to the C. A. 9th Circuit.

For petitioners: William F. Sullivan, San Diego, Calif.;  
and Thomas G. Hungar, Deputy Solicitor General, Department of Justice, Washington, D. C. (for United States, as *amicus curiae*.)

For respondents: Patrick J. Coughlin, San Francisco, Calif.

(One hour for argument.)

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No. 03–9046. *Charles Russell Rhines v. Douglas Weber, Warden.*

Certiorari to the C. A. 8th Circuit.

For petitioner: Roberto A. Lange, Sioux Falls, S. D.  
(*Appointed by this Court.*)

For respondent: Lawrence E. Long, Attorney General, Pierre, S. D.

(One hour for argument.)

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**Monday, January 17, 2005**

Legal Holiday.

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**Tuesday, January 18, 2005**

No. 04–5462. *Ronald Rompilla v. Jeffrey A. Beard, Secretary, Pennsylvania Department of Corrections.*

Certiorari to the C. A. for the 3rd Circuit.

For petitioner: Billy H. Nolas, Assistant Federal Defender, Philadelphia, Penna.

For respondent: Amy Zapp, Chief Deputy Attorney General, Harrisburg, Penna.

(One hour for argument.)

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No. 03–9685. *Robert Johnson, Jr. v. United States.*

Certiorari to the C. A. 11th Circuit.

For petitioner: Courtland Reichman, Atlanta, Ga.

For respondent: Dan Himmelfarb, Assistant to the Solicitor General, Department of Justice, Washington, D. C.

(One hour for argument.)

**Wednesday, January 19, 2005**

No. 03–1601. *City of Rancho Palos Verdes, California,  
et al. v. Mark J. Abrams.*

Certiorari to the C. A. 9th Circuit.

For petitioners: Jeffrey A. Lamken, Washington, D. C.;  
and James A. Feldman, Assistant to the Solicitor Gen-  
eral, Department of Justice, Washington, D. C. (for  
United States, as *amicus curiae*.)

For respondent: Seth P. Waxman, Washington, D. C.

(One hour for argument.)

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No. 04–37. *Michael Clingman, Secretary, Oklahoma  
State Election Board, et al. v. Andrea L. Beaver, et al.*

Certiorari to the C. A. 10th Circuit.

For petitioners: Wellon B. Poe, Jr., Assistant Attorney  
General, Oklahoma City, Okla.

For respondents: James C. Linger, Tulsa, Okla.

(One hour for argument.)

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